

opponents of the Hudson casino application even had an interest in the legislation. The Independent Counsel's reference to unspecified legislation, juxtaposed in the Final Report with a listing of political contributions by multiple, unrelated Indian tribes and their representatives, Report at 337-51, is nothing more than reliance on innuendo as a substitute for evidence. The use of innuendo and conjecture to support a charge of wrongdoing, especially when leveled in a judicial document such as the Final Report, is a "foul blow" that serves no acceptable governmental interest. *United States v. Briggs*, 514 F.2d 794, 803-06 (5th Cir. 1975).

In the end, the Final Report serves as a soapbox from which the Independent Counsel can express her distaste for the confluence of lobbying and political fund raising activities, and to make a thinly-veiled pitch for campaign finance reform. Admittedly, lobbying activity, especially when it must be performed during an election cycle, is often mischaracterized by cynical or ill-informed commentators. However, as the Independent Counsel should well know, a lobbyist' "employment goal [is] to persuade and influence ... to benefit certain interests [and] [s]uch endeavors are protected by the right to petition the government for a redress of grievance guaranteed by the First Amendment." *United States v. Sawyer*, 85 F.3d 713, 731 n.15 (1st Cir. 1996). To the extent that political contributions facilitate access to public officials, enabling the lobbyist to petition more effectively, courts uniformly recognize that such practices are not unlawful. See, e.g., *United States v. Carpenter*, 961 F.2d 824, 827 (9th Cir. 1992) ("[t]his practice 'has long been thought to be well within the law [and] in a very real sense is unavoidable'") (citing *McCormick v. United States*, 500 U.S. 257, 272 (1991); *United States v. Rabbitt*, 583 F.2d 1014, 1028 (8th Cir. 1993). Dedicating hundreds of pages of the Final Report to suggest that the law should be otherwise is well outside the